IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 6699 of 2005(V)

OS.194/1999 of MUNSIFF COURT, TIRUR
.....

PETITIONER:

MULLASSERIYAKATH SAIDALAVI,
S/O. MOHAMMED, P.O. NIRAMARUTHUR, TIRUR TALUK,
MALAPPURAM DISTRICT, REPRESENTED BY HIS POWER OF ATTORNEY, MULLASSERIYAKATH ABDUL KHADER,
-DO- -DO-.

BY ADV. SRI.T.KRISHNANUNNI

RESPONDENTS:
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1. **CHERACHAMVEETTIL PUTHANVEETTIL MOHAMMED-ISMAIL, S/O. KUKNHAHAMMED, P.O. KOOTTAYIL, TIRUR TALUK, MALAPPURAM DISTRICT.**

2. **MANCHERI PUTHUSSERI MOIDEEN KUKRIKKAL, S/O. ALAVI KUKRIKKAL, KODAMPATTA, NARUKARA, ERNAD TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.R.RAJESH KORMATH
SMT.PREETHY KARUNAKARAN
SMT.MEENA.A.
SMT.M.R.MINI
SMT.SANJANA R.NAIR
SRI.JAYKAR.K.S.
SRI.RAHUL VARMA
SRI.V.S.ROBIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PETITION IN O.S.194/99N DTD. 29/11/2004.**

EXT.P2: **COPY OF THE I.A.400/95 IN O.S.194/99 DTD. 18/02/2005.**

EXT.P3: **COPY OF THE COUNTER FILED BY THE FIRST RESPONDENT DTD. 21/02/2005.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 6699 of 2005

Dated this the 2nd day of July 2007

JUDGMENT

The grievance of the petitioner who was the defendant in the suit is that the trial court has not passed any orders on Ext.P2 application which was filed by him seeking issuance of summons to a witness for production of certain documents. To Ext.P2 application, Ext.P3 objections were filed by the respondent plaintiff. On going through Ext.P3, I find that there is some serious objection to the respondent for allowing Ext.P2. But at the same time learned counsel for the petitioner asserts before me that till date no orders have been passed by the court on Ext.P2. If the court below has not so far been passed order on Ext.P2, the court below will hear the parties and pass orders at the earliest and at any rate within three weeks of receiving copy of this judgment. However, since the suits is of the year 1999, there will be a direction to the learned Munsiff to special list the

suit and dispose of the same in accordance with law at the earliest and at any rate within three months of the court passing orders on Ext.P2.

PIUS C. KURIAKOSE,
JUDGE.

btt/dpk